REMARKS

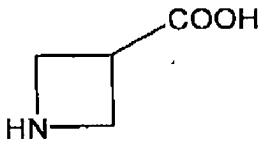
I. Status of Claims.

This application has been reviewed in light of the Office Action dated August 24, 2004. Claims 1-8, 14 and 16 are presently pending. Claims 1-2, 4, 14 and 16 have been amended to place them in better condition for allowance. Claims 17-22 have been added to further emphasis Applicants invention. No new matter has been added as a result of these amendments.

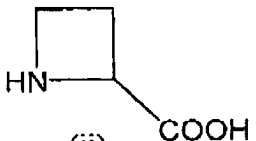
II. Informalities

The Examiner objected to several informalities within the specification. Specifically the Examiner objected to Applicants' reference to "azetidinecarboxylic acid" and "aziridinecarboxylic acid" within the specification, where the position of the carboxylic acid group is not indicated in the compound. Applicants respectfully traverse this objection.

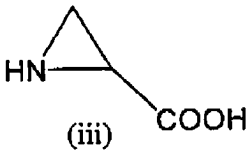
As set forth below the structure of azetidinecarboxylic acid (i), (ii) and aziridinecarboxylic (iii) acid are as follows:



(i)



(ii)



(iii)

As shown in the structures above, the carboxylic acid group can only occupy 1 of 2 positions on the azetidine ring (i), (ii) and only 1 position on the aziridine ring (iii). All three of these compounds are well know as amino acid analogues and would be apparent to one skilled in the art. Applicants respectfully request that this objection be withdrawn.

The Examiner further objected to the cited examples of the dipeptide group within the specification on page 5, line 23 of Ile-Thia, Ile-Pyr, Val-Thia and Val-Pyr. The Examiner stated that the Thia or Pyr group does not contain a carboxylic group and it not an amino acid, thus Ile-Thia, Ile-Pyr, Val-Thia and Val-Pyr are not dipeptides. Applicants respectfully traverse this objection.

As set forth in the specification, Ile-Thia, Ile-Pyr, Val-Thia and Val-Pyr do represent dipeptidyl groups as defined at page 5, line 23. The carboxylic acid is no longer a distinct moiety in the compounds of the invention due to bond formation with e.g. the pyridinium methyl group. These groups represent the dipeptidyl component of the inhibitor (C) as illustrated with reference to the compound of Example 1.3(b) (specification page 18). Applicants respectfully request that this objection be withdrawn.

III. Claims 1-8, 14 and 16 rejected under 35 USC 112, second paragraph.

The Examiner rejected claims 1-8, 14 and 16 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim what Applicants regard as their invention. The Examiner stated that the use of the term "unstable inhibitor of DPIV" renders the claim indefinite and that the rejected claims cite that the term "unstable inhibitor is a dipeptide compound having C-terminus with an active carbonyl group", which merely indicates the structure of the inhibitor and does not define the term "unstable inhibitor." The Examiner further stated that since the dipeptide contains an active carbonyl group, not a boronate or phosphonate group, it is not clear why the claim recites the term "unstable inhibitor does not contain a boronate, phosphonate." Applicants have amended claims 1, 4, 14 and 16 to more clearly define their invention and respectfully submit that the rejection has been overcome.

The Examiner further rejected claim 4 under 35 USC 112, second paragraph, as being indefinite as to whether the unstable inhibitor is a dipeptide or not. Applicants have amended claim 4 and respectfully submit that this rejection has been overcome.

IV. Rejection of Claims 1, 8 and 14 under 35 USC 102(b).

The Examiner rejected claims 1, 8 and 14 under 35 USC 102 (b) as being anticipated by Bachovchin et al. WO 95/11689 (Bachovchin). The Examiner stated that Bachovchin discloses an inhibitory compound of DPIV having a structure of Group I-Group II, where Group I contains unblocked peptide, and Group II contain a boronate, a phosphonate or a fluoroalkyl (e.g., trifluoroalkyl or difluoroalkyl) and the preferred inhibitory compound includes an amino acid sequence having the cleavage site of a DPIV substrate.

Applicants respectfully submit that the claims, as amended, where the "inhibitor is a dipeptide compound having an active carbonyl group at the C-terminus wherein said inhibitor does not contain a di- or tri-fluoroalkyl ketone group" (emphasis added), are no longer anticipated by Bachovchin. Applicants respectfully request that this rejection be withdrawn.

CONCLUSION

Applicants respectfully request expeditious consideration and passage of the present application to issuance. The Examiner is invited and encouraged to telephone the undersigned if she believes such would facilitate prosecution of the present application.

Respectfully submitted,

By: _____

John C. Serio, Reg No. 39,023
Customer No. 21710
Attorney for Applicants
Brown Rudnick Berlack Israels LLP
One Financial Center
Boston, MA 02111
Tel: 617-856-8238
Fax: 617-856-8201
Email: ip@brownrudnick.com

Dated: December 27, 2004

#1320292 - 24611/2